

the payment of wages on the basis of sex, and for other purposes.

Mr. SCHUMER. Mr. President, in order to place the bills on the calendar under the provisions of rule XIV, I would object to further proceeding en bloc.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bills will be placed on the calendar en bloc.

Mr. SCHUMER. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

COVID-19 HATE CRIMES ACT— Continued

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Republican whip.

INFRASTRUCTURE

Mr. THUNE. Mr. President, last fall, there was a concern among many around the country, many Republican voters, that if elected—Democrats in the House, the Senate, and the White House—if they had the whole of government, they would try to implement massive change, transformative change, as it was described. There was a consistent view articulated by Democrats in other places around the country that it would never happen because Joe Biden, after all, is a moderate. These ideas are crazy ideas. Nobody would ever do some of the things that are being talked about.

Well, I have to say that pretty much everything that was predicted is now coming true, at least as it pertains to legislation that is being advanced by Democrats here in the Congress and by the White House, starting, of course, with the massive amount of spending, the massive expansion of the government.

We saw that with the coronavirus relief bill, which ended up being about \$2 trillion. That was on top of the \$4 trillion that Congress, in a bipartisan way last year, had put toward coronavirus relief. Much of that \$2 trillion—in fact, most of it, about 90 percent of it—didn't have anything to do with coronavirus. Only about 10 percent of all that spending of nearly \$2 trillion was actually related to the coronavirus. Most of it was other things that Democrats had wanted to fund, that had been on their wish list, if you will, for some time, and expansion of government.

Well, if that weren't enough, there is now talk of an "infrastructure" bill that would spend on the order of another \$2.5 to \$3 trillion—again, much of which is unrelated to infrastructure. If you define "infrastructure" simply as roads and bridges, things that most people think of as infrastructure, the

number that has been used is 6 percent of that entire bill is about infrastructure. If you add in broadband and a few other things, it gets slightly higher than that.

The point is that most of the spending in this bill is unrelated to infrastructure. It is another \$2.5 to \$3 trillion expansion of government, new spending financed—some with tax increases but a lot of it just adding to the debt, just putting it on the credit card and handing the bill to our children and grandchildren, something that has been routinely done around here for a long time.

Mr. President, what I think people should find concerning is that the worst fears predicted about what the left might do if in charge of this country are, in fact, coming true. Much of this new spending—by the way, the infrastructure bill is a first installment. There is another bill to follow, we are told, that would include more trillions in spending, dealing with other issues, including healthcare.

You have this massive expansion of government, massive amount of new spending, unprecedented, truly unprecedented in history, coupled with massive tax hikes, also unprecedented. What is being talked about just in the first infrastructure bill is over \$1 trillion in new taxes. The taxing, spending, borrowing patterns that we predicted would happen are, in fact, coming true. Add to that other things that were suggested and proposed throughout the fall and the course of the campaigns.

Subsequent to that included adding DC as a State. So adding DC as a State is going to pass the House of Representatives. I am not sure if they are voting on it today, but it has either been voted on or will be voted on. It will pass the House of Representatives. That is a very, very serious, serious proposal which dramatically changes the U.S. Senate and, I believe, what the Founders intended with respect to the District of Columbia.

Then you add to it legislation that has already passed the House and is being contemplated being passed here in the Senate that would federalize elections in this country, that would codify ballot harvesting, and that would ban voter ID, photo ID, which is something that, I think, most Americans think is a very wise thing to do when it comes to election integrity, to make sure that the people who are voting actually are who they say they are. Voter ID is a pretty important part of that. It would have the taxpayers finance—publicly fund—campaigns in this country. I can't imagine the American taxpayers, among all of the other things that they have to finance in the government, also want to finance the campaigns that they have to sit through.

It would politicize the Federal Election Commission, which, in the past, has been a balanced—three Republican, three Democrat—bipartisan committee

that has overseen and regulated elections in this country. So it would politicize it and give the Democrats an advantage, a partisan advantage, on the Federal Election Commission.

All of those things are in this elections bill, which would transform—I mean, I am talking literally transform—the way we do elections in this country, which historically and by way of the Constitution and the law have been handled and administered at the State level. States have been very involved.

What this would do is consolidate more power in Washington, DC, and pull the regulation of elections up to the Federal Government, coupled with all of the changes that I just mentioned. There is no way—absolutely no way—that even if passed they could be done, could be implemented, for the upcoming 2022 election, which secretaries of state from across the country, including Democratic secretaries of state, have indicated.

So that is another thing that is on the liberal wish list that I mentioned: the federalizing of our elections—taking them away from the States where, historically, elections have been handled and administered—and bringing them here, essentially nationalizing our elections.

Then there is the Green New Deal. The Green New Deal is, I believe, being introduced again today by a number of Democratic Senators and House Members—something, again, that would completely change the way we fuel our country in ways that would drive up dramatically the costs that an average consumer in this country and an average family would have to pay for energy. It would be done through mandates, regulations, and heavy-handed government requirements as opposed to incentivizing some of these things that, I think, we all agree we should be doing when it comes to cleaning up our environment. The Green New Deal is the opposite of that. The Green New Deal is a government, Washington, DC, mandate, requirement, heavy-handed regulatory approach to that issue and something that has struck fear in the hearts of literally tens of millions of Americans since it began being talked about only a few years ago.

Those are just a handful on the list of what I would call horrors for which the left has been advocating for some time in this country. All of these things could be accomplished if the Democrats are able to follow through with another thing that they said they would never do and are now talking about and if they have the votes would do, and that is to do away with the legislative filibuster, which is a feature of our democracy that goes back literally 200 years to our Nation's founding and has ensured through those years that the minority has a voice in our policymaking process; that there is an opportunity for both sides to collaborate, compromise, and to ensure that there isn't majoritarian rule. The Founders

were very firm about that idea. They thought there needed to be checks and balances against that, and the legislative filibuster has provided that for 200 years.

It is something that we refused to do—even though the Republicans were asked repeatedly during the last 4 years of the Trump Presidency, by the President himself, to get rid of the legislative filibuster—because we believe it is essential as a feature of our democracy and something that protects the minority in this country, the minority rights, the voice of the minority, in our policymaking process. It ensures that we get solutions that, ultimately, are durable over time because they have been negotiated in a way that requires the input from both sides of the political equation.

That is something that has been sacred, so sacred, even despite the fact that President Trump, on 34 different occasions, asked the Republicans—or probably more; I would say “ask”—would be a gentle word—and essentially said that the Republicans in the Senate needed to get rid of the legislative filibuster. He either did that by tweet or by public statement. It was clearly something that he believed was a priority in order to implement his agenda. We resisted that. We resisted that even though we would have benefited from it on numerous occasions when it came to moving legislation through the Senate.

For the past 6 years, we had the majority, and for the past 4 years, we had the Presidency up until January of this year, and notwithstanding the constant barrage of suggestions—again, putting it mildly—to get rid of the legislative filibuster by a President from our own party, we resisted that simply because we believed the legislative filibuster is such an essential and critical part of our democracy.

So here we go. The Democrats get elected. They have, on countless occasions, told me privately—individual Senators on their side of the aisle—that there is no way. We would never do that. We will never get rid of the legislative filibuster. It is too important. We are not going to do that. In fact, 33 Democrats signed a letter as recently as 3 years ago, basically, essentially ratifying their support for the legislative filibuster and, as to the suggestion that it could possibly be done away with, suggesting that it would be a terrible, wrong thing to do for this country—essentially coming out strongly, strongly supporting the legislative filibuster. These are 33 Democratic Senators here in the U.S. Senate coming out in support of the legislative filibuster.

Now, the shoe is on the other foot. They are in the majority. They have been in the majority for about 2 months, and they are already talking about it openly, and many have come out and endorsed the idea. Frankly, to be honest with you, I think it would have been done already had it not been

for a couple of Democrats who, I think, are thoughtful enough, contemplative enough, and revering enough of our institutions in this country not to be run over by the majority on their side and do away with something that is just so critical and so important to our Nation's not only heritage and history but to our future. If it were not for that, I think it would have been done already. I think the Senator from New York, the Democratic leader, in a New York minute would get rid of the legislative filibuster if he had the votes to do it, partly out of fear that he would be savaged by his “woke” left if he wouldn't do it.

Obviously, the President, President Biden, whom, as I mentioned earlier, many people thought would govern as a moderate and a unifier and as someone who fiercely defended the legislative filibuster as a U.S. Senator and made speeches on this very floor in defending fiercely the legislative filibuster, is now also talking about getting rid of it in order to implement massive tax hikes, massive spending increases, and a massive growth in government—an expansion of government unlike anything we have seen in history, including the 1930s, the New Deal. This would dwarf that by comparison.

DC statehood, federalizing our elections, and passing the Green New Deal, all of that could be done with 51 votes if they could blow up and get rid of the legislative filibuster, and all of those are very real, not hypotheticals—real. These are things that have already passed or are going to pass the House of Representatives and are being considered here on the floor of the U.S. Senate, including today when, I think, the Green New Deal is being reintroduced. These are legislative proposals that are so far out of the political mainstream in the things that they are contemplating that it is hard to believe.

Just as an example of the impact that these tax increases could have, look at what the tax cuts that were passed—the reform act that was passed in 2017—were doing in terms of the economy and the benefits that they were having across all demographic sectors in this country. Up until the pandemic, we had the best economy probably in 50 years. We had the lowest unemployment rate, for sure. We had the biggest gain in income wage levels among particularly minority groups.

In fact, this is census data from 2019 that shows that the real median household income hit its highest level ever for African-American, Hispanic, and Asian-American workers and retirees. The 2019 poverty rate was the lowest in more than 50 years for children at 14.4 percent, the lowest ever for individuals at 10.5 percent, for families at 8.5 percent, and for households headed by unmarried women at 22.2 percent. More impressive is that, even after 10 years of economic expansion, the 2019 gains shattered all records as real household income leapt by \$4,379 in 2019 alone, 13

times the average annual gain since data were first collected.

So the tax policies we had in place were working, and there have been record income gains, especially among lower income Americans. The poverty rate, as I mentioned, plummeted 11 percent in 2019, the most in 53 years. Things were moving in the right direction. So the question is, If it isn't broke, why fix it? Why would we go and increase taxes in a massive way at a time when the economy is growing and expanding and creating better paying jobs?

What I would argue for those in any income group and across any ethnic group is that the best solution for improving their standard of living and their quality of life is to have a growing, expanding economy that is throwing off better paying jobs and higher wages. That is what raises the income level. That is what lifts the boat for every American, and that is what we ought to be looking for, not how much government can we pull back to Washington, DC, and how much government can do for you but how we can put the right policies in place that put the conditions in place for economic growth that will stimulate the kind of investment that will create those good-paying jobs and start lifting wages across this country.

It is about growth in our economy, I would argue. It is about good-paying jobs. It is about higher wages. That is what our arguments here ought to be about. Instead, right now, we are talking about growing government and increasing taxes and reversing what, I would argue, is a lot of progress that I just mentioned, that being from the 2019 U.S. Census Bureau's data.

Why would we go back on the great progress that has been made? Why would we start to contemplate some of these suggestions that I mentioned, from the tax hikes, the spending increases, the federalizing of our elections, the Green New Deal, and repealing the filibuster which, again, would consolidate more control, more power, in the hands of a few people here rather than keeping it distributed? It would consolidate more and more power in Washington, DC.

That kind of brings me to the topic for today that is on that list of horrors and things that would undermine the integrity of our political institutions in a way that these other things would as well but, I would say, on a much, much higher, much expanded level, and that is packing the Supreme Court which, again, people thought was a hypothetical. That was one of those things to which people said: Now, those guys down there, those Democrats, are not that crazy. There are some moderate Democrats out there. There are some people who would stand up in the way of that and keep something that crazy from happening.

Well, it didn't take very long. It only took a week—just 1 week after President Biden established his Commission

to study Court packing, which is another ostensible Supreme Court reform, for the Democratic Members of Congress in both Houses to introduce legislation that would actually pack the Court. This is no longer a hypothetical. This is colleagues on this side of the aisle and the Democrats in the House of Representatives who are openly advocating for packing the Supreme Court in the form of legislation and not just adding a couple of members but adding enough members to give them a majority, to give them a majority on the U.S. Supreme Court.

Now, many people are probably wondering what the crisis was that precipitated this legislation, a crisis so grave that these Democrats couldn't even wait for the results of the President's stacked Commission. President Biden's Commission, which is stacked with Democrats to give them the result that they want, is supposed to report back in the timeframe of, I believe, about 6 months. They couldn't even wait for that. They had to introduce a bill that would pack the Court. So why did they have to do that? Well, I will tell you.

The crisis that requires us to immediately add four additional Justices to the Supreme Court after 150 years of having the Court at its current size is that a duly elected Republican President was able to get three Supreme Court nominees approved. Apparently, by confirming a duly elected President's Supreme Court nominees, the Republicans stole the Court's majority which, I guess, apparently, rightfully, belongs to the Democrats, and in doing so, it "politicized the Supreme Court" and "threatened the rights of millions of Americans."

This legislation, the bill's Senate sponsor says, will "restore the Court's balance and public standing" and "begin to repair the damage done to our judiciary and democracy." That is from the Democrat sponsor's statements with respect to this legislation—necessary to "restore the Court's balance and public standing" and "repair the damage done to our judiciary and democracy."

Well, there is only one problem, of course, and that is that this supposed crisis of confidence in the Supreme Court doesn't actually exist. A majority of Americans approve of the job the Supreme Court is doing. The Supreme Court's approval rating actually increased—increased—over the course of the Trump administration.

If the junior Senator from Massachusetts, who is one of the sponsors of this legislation, is looking to address a crisis of confidence, perhaps he should take a look at Congress, whose approval rating is consistently far lower than that of the Supreme Court.

The real crisis—the real crisis we are facing—is not a crisis of confidence in the Court. It is that Democrats are apparently willing to do long-term damage to our democracy for partisan gain.

Yes, Democrats are being hypocritical, and, yes, their Court-packing

proposal is outrageously and transparently partisan. But, more than that, it is dangerous because Democrats' Court packing would eliminate public confidence in the nonpartisan character of the Court.

Right now, the Supreme Court is generally seen as being at least somewhat above the partisan fray, as the Founders intended—a fact that I think is reflected in the Court's positive approval rating.

And while some Justices are regarded as more conservative and some as more liberal, Americans don't see Justices as partisan in the way that we see politicians as partisan, and rightly so.

I can think of more than one significant case where supposedly conservative Justices have sided with the Court's liberals, and there are plenty of cases where all of the Supreme Court's Justices have ruled unanimously.

As Justice Breyer pointed out in his recent speech condemning Court packing, Supreme Court Justices do not fit neatly into conservative or liberal categories.

But that perception of Supreme Court Justices as above partisanship would not last long if Democrats succeeded in packing the Court.

Just think about it. We have had the same number of Supreme Court Justices, nine—nine Justices—for more than 150 years. One hundred and fifty years, and then Democrats sweep in, announce that the makeup of the Supreme Court isn't to their liking, and propose adding four Justices, all of them appointed in one fell swoop by a Democratic President. And that is in addition to any nominations the President might make in the ordinary course of things.

Does any Democrat sincerely think that after that any Republican would regard the Supreme Court as nonpartisan? Or, for that matter, how many Democrats would regard the Supreme Court as nonpartisan?

Just imagine if the roles were reversed. Imagine that Republicans were proposing to expand the Supreme Court and add four Republican-nominated Justices. Imagine the howls of outrage that would ensue, and rightly so. Democrats, the media, the far left—all would rightfully decry the politicization of the Supreme Court.

Yet Democrats expect us to believe that if it is Democrats who do this, if it is Democrats who pack the Supreme Court, somehow this move is not a partisan and self-serving one?

As Justice Ruth Bader Ginsburg said, "If anything would make the court look partisan, it would be that—one side saying, 'When we're in power, we're going to enlarge the number of judges, so we would have more people who would vote the way we want them to.'"

That is from the late Justice Ruth Bader Ginsburg.

Or, in the words of Justice Breyer, "I hope and expect that the court will retain its authority, an authority that

... was hard won. But that authority, like the rule of law, depends on trust—a trust that the court is guided by legal principle, not politics." That is from Justice Breyer.

And Justice Breyer noted: "Structural alteration motivated by the perception of political influence can only feed that latter perception, further eroding that trust."

As these two reliably liberal Justices make clear, Democrats' Court-packing plan would do the very thing Democrats claim to oppose, and that is to politicize the court. The Supreme Court would quickly lose its nonpartisan standing and quickly become a joke.

Democrats cannot possibly think that Court packing would begin and end with their move under the Biden administration. I can guarantee—guarantee—that the next time there is a Republican President and a Republican Congress, Republicans would be moving to "balance" the Democrats' power grab by adding a few seats of their own. Then the next Democrat administration would do the same thing. It wouldn't be long before the Supreme Court had expanded to ludicrous proportions. Twenty Justices? Thirty Justices? Maybe more?

Instead of a respected and separate branch of government, the Supreme Court would be co-opted by the legislative and executive branches. The separation of powers, upon which our entire Federal Government is built, would be destroyed. The consequences of politicizing and trivializing the Court, as packing the Court would do, would be grave. If Americans don't respect the Court, they will have little reason to respect the Court's decisions or regard them as either definitive or binding.

There has been a lot of concern, rightfully so, about the increasingly partisan and contentious nature of our politics. Politicizing the Court by packing the Court would further inflame partisan division and lead to increasingly bitter and dangerous friction in our society.

It is deeply, deeply disappointing that Democrat leaders—and others in their caucus who wish to be seen as serious and responsible policymakers—haven't condemned this dangerous proposal to upend a bedrock institution of our democracy.

I understand that it may be difficult for them to stand up to the unhinged and far-left fringes of their party, and it is possible that some of them are reluctant to condemn this proposal because of the partisan advantage it would provide. But anyone who cares about the health of our democracy and the stability of our country should be loudly and clearly opposing any discussion of Court packing.

I hope that at least some of my Democrat colleagues will find the courage to speak up and consign the idea of Court packing to the ash heap of history, where it should have remained.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WARNOCK). The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KELLY). Without objection, it is so ordered.

BORDER SECURITY

Mr. GRASSLEY. Mr. President, today I come to the floor to talk about what is very obvious on television—the crisis at the southern border.

During the past several months, the American people have watched as a full-blown crisis has developed. It has reached a catastrophic phase, and it is not getting any better.

Let me reemphasize that whatever the Biden administration wants to call it, it is a crisis. Simply put, the administration is in denial, and that denial has caused a humanitarian and national crisis. For example, border crossings are at the highest level we have seen in the last 15 years. Last month, Customs and Border Patrol, Border Protection, encountered more than 170,000 people attempting to cross at the southern border. That number includes almost 19,000 unaccompanied children, which is the highest number ever recorded in a single month.

The surge has overwhelmed personnel and prompted the Biden administration to put out—would you believe this?—emergency calls for volunteers. They did that from across the Federal Government. According to news reports based on recent Biden administration emails, the administration is recruiting NASA employees to sit with children at border facilities. Really? That is NASA. The border crisis is so bad that the Biden administration is trying to pull people from NASA and place them at the border.

My fellow Senators, this situation is out of control. This is a humanitarian and national security crisis. Terrorists, smugglers, criminals have seen this as their golden opportunity, and they are surely taking advantage of it.

This can't continue. I have written to the Biden administration. I have visited the border in person. I have seen overwhelmed facilities. I have heard the calls of the cartel members and human traffickers yelling insults from across the Rio Grande, taunting Senators—yes, taunting Senators.

Senator CORNYN and I have written to the chairman of the Judiciary Committee strongly urging him to hold border security hearings. During the Trump administration, while I served as chairman of the full committee and Senator CORNYN served as subcommittee chairman, we held no less than 15 hearings on oversight of the Department of Homeland Security and various aspects of our immigration policy. As chairman of the committee during the first 2 years of the Trump administration, I held hearings on immi-

gration topics of bipartisan interest to all committee members, including Democratic committee members. Those hearings included oversight of family reunification efforts and the Trump administration's decision to end DACA programs.

In that very same way, I am hopeful that Chairman DURBIN will be willing to hold hearings on matters of great importance to me and committee members on both sides of the aisle. I am ready to work with him to put together hearings that address these problems productively.

During the Easter recess, I instructed my oversight and investigative staff to get a classified briefing from the Department of Homeland Security, Customs and Border Protection, and Immigration and Customs Enforcement. That briefing provided important and time-sensitive information that further solidifies my belief that the Biden administration's border crisis is a national security problem.

Moreover, the Biden administration's denial that there is a border crisis is itself a national security problem. You can't solve a problem if you refuse to admit that there is such a problem existing. This head-in-the-sand attitude will cost lives. That is what is so sad about the situation. It is not making anyone's life any better. In fact, it is putting lives at risk, American lives and immigrant lives. Yet the administration refuses to solve the problem.

Earlier this month, I requested that the Department of Homeland Security, Customs and Border Protection, and Immigration and Customs Enforcement, after briefing my investigative staff, that they brief the full Judiciary Committee, Republicans and Democrats, on a member level. Members need to fully understand the national security problems at the border with respect to terrorists, narcoterrorists, human smugglers, and every one of their criminal counterparts. We must also be fully read in to the methods and means that they use to plan and accomplish their criminal goals.

Yesterday, in response to my request of these Agencies, the committee had that briefing. What we learned is that the crisis at the border is getting worse, and bad actors are expanding their technological edge to become more efficient at accomplishing their criminal goals. Human smuggling networks, cartels, and other bad actors are continuing to take full advantage of the crisis.

As to where we go from here, the Biden administration knows it has a crisis on its hands. It is time to stop the denial and act now to solve this border crisis.

INFORMATION SHARING

Mr. President, on another issue, I would like to address my fellow Senators. This deals with counterfeits and the need for the Federal Government to modernize its approach to information sharing.

Counterfeits pose a danger to the health and safety of consumers. They

also infringe on U.S. intellectual property rights and unfairly benefit international criminals.

This will come as no surprise to anyone: The majority of fake goods come from China and Hong Kong. And the United States? Well, we are the biggest loser when it comes to our intellectual property-related crime and activity.

Unfortunately, the problem of counterfeits has gotten worse during the pandemic. Americans have increasingly turned to e-commerce to buy goods like personal protective equipment, household products, as well as household cleaners, children's toys, and a lot of other items I won't list. Criminals use the same e-commerce sites to sell their bogus goods. These sites give criminals an air of legitimacy and make it harder for law enforcement to catch them. E-commerce sites also let criminals create multiple product listings that can trick consumers into purchasing fake goods.

Unfortunately, when there is money to be made, criminals will find out how to profit and do it at the expense of others, even in the event of a global pandemic. However, there is some good news. We have ways of addressing the problem.

Last week, I introduced legislation that will give U.S. Customs and Border Protection more authority to share information with rights holders and other interested parties on suspected counterfeit merchandise. This is an issue I first identified as chairman of the Senate Finance Committee when I investigated counterfeit goods sold online. During this investigation, I discovered that certain U.S. laws prevent Customs and Border Protection from sharing key pieces of information with their private sector partners. As a result, it is harder for Customs and Border Protection and its private sector partners to detect and disrupt counterfeiting networks. If they could work together and the law allowed it, it would be a lot easier to tackle the problems.

To give credit where it is due, Customs and Border Protection has recognized this problem and is taking steps to rectify it through the 21st Century Customs Framework—for short, 21CCF—to improve data-sharing capabilities in real time. However, without statutory authority from Congress, in some ways, Customs and Border Protection has one hand tied behind its back. So my bill will get rid of some of these barriers for the Agency. It is one small but very crucial step toward a more secure supply chain.

Sharing information is a simple solution that often gets overlooked. However, it can be an effective tool in creating comprehensive strategy against counterfeit activity. So I am asking my colleagues to join me in making this legislative fix so that we may create a supply chain that addresses a 21st-century problem.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INFRASTRUCTURE

Mr. CORNYN. Mr. President, in a State as big as Texas—as the Presiding Officer knows, having lived in and around Houston for a number of years in his previous life—we rely on a strong network of roads and bridges to travel safely and efficiently.

We have I-35, which spans the entire length of Texas, from north to south, and from Laredo all way to Dallas-Fort Worth. Much of that stretch, it seems like and feels like, is constantly under some construction.

There are bridges that are part of people's daily commutes, like RM 2900 in Kingsland. After this bridge was destroyed by floodwaters a few years back, it didn't just create inconvenience in the community but also risks. It could take a firefighter an hour to get around the water.

Fortunately, the Texas Department of Transportation and construction crews didn't waste any time, and I was able to join the dedication less than a year later. You heard that right. The bridge was destroyed, and less than a year later we dedicated the opening of that bridge.

Then we have critical projects in the works, like the "forts to ports" corridor of I-14, which stretches from Fort Hood all the way to the Gulf of Mexico. This will connect our critical military installations to our seaports and provide a serious boost to our military readiness.

These are much more than just roads and bridges. They are vital parts of our daily lives, trade, emergency response, and, of course, national security.

And as we welcome more new Texans every day, things are nearing a breaking point. We can't punch above our weight much longer when it comes to our transportation infrastructure. It is time—and I believe it is a bipartisan belief that this is the time—to invest in our Nation's infrastructure, and we know, historically, that this has not been a partisan issue.

I am pro-infrastructure, and I imagine every person in this Chamber would tell you the same thing, regardless of whether they are from a red State or blue State. We have a strong history of working together to fund the networks of roads, bridges, airports, railroads, tunnels, and the ports that the American people rely on. For example, in 2015, we passed a 5-year highway and transit funding bill called the FAST Act, with overwhelming bipartisan support. It received 83 votes here in the Senate and 359 votes in the House, as well as the signature of President Obama. This legislation provided the certainty and stability our States need to make long-term investments in critical projects, and it was the first of its kind in more than a decade.

Last Congress, we were poised to pass a similar bill. The Environment and Public Works Committee developed a truly bipartisan example of an infrastructure bill that built on the success of the FAST Act. That was led by Chairman BARRASSO and Ranking Member CARPER, at the time, but it was unanimous. This legislation included provisions to rebuild our crumbling roads and bridges and improve road safety, protect the environment, and grow the economy. Once again, it received broad bipartisan support and passed the committee with unanimous support.

As we know, the last year has brought us untold changes and, unfortunately, put this and other legislative goals on pause while we battled COVID-19. But now is the time to pick up where we left off and get a strong infrastructure bill signed into law.

Unfortunately, the proposal by the administration is a far cry from what the country actually needs. For starters, the cost of the plan is beyond comprehension. The nonpartisan Committee for a Responsible Federal Budget estimates said it will cost \$2.65 trillion, nearly nine times the size of the last highway bill—nine times.

When talking about this proposal, one House Democrat said: "It's gonna to be a kitchen sink."

The founding director of the Cornell Program in Infrastructure Policy said: Well, the administration certainly has a "giant definition" for what constitutes "infrastructure."

But even journalists are making fun of the scope of this plan, with one writing: "Maybe the real meaning of infrastructure is what's in our hearts."

Well, these aren't just jokes. Only about 5 percent of this proposal is directed at roads and bridges, what some have called core infrastructure. In fact, it puts more money toward electric vehicle chargers than pavement that we drive on every day.

The proposal funds a long list of programs that are a far cry from what most people consider to be infrastructure: caregiving for the elderly and disabled, community colleges, programs to improve diversity in STEM careers. All of these are significant and important issues, but they don't belong in an infrastructure bill—certainly not one that proposes to raise taxes on the American people or to create more debt.

Then there are the most absurd policies that really resemble the Green New Deal, which I note was just reoffered by Senator MARKEY and Congresswoman OCASIO-CORTEZ: more than \$200 billion to build or retrofit more than 2 million "affordable and sustainable" places to live, a "Civilian Climate Corp.," and an unrealistic goal of 100 percent renewable-generated electricity by 2035.

My State is an all-of-the-above State when it comes to energy, but I can tell you that if all you are depending on is renewable energy, without appropriate

attention to the baseload you need, you are going to end up like we did, unfortunately, just a couple of months ago, with electricity going down due to extreme weather.

I support efforts to rebuild our infrastructure, but this is not an infrastructure proposal. This is, really, much closer to the Green New Deal 2.0. It is an encore to the nearly \$2 trillion wish list that our Democratic colleagues rammed through on a partisan basis earlier this year.

Any attempt to claim that Republicans won't work with Democrats on an infrastructure bill is completely disingenuous because this is not a good-faith attempt at bipartisanship.

I would be happy to work with our colleagues on the other side of the aisle to craft an infrastructure bill that addresses our legitimate infrastructure problems, and I think every person on this side would agree with that. That would include traditional transportation, such as roads and bridges, as well as certain forms of nontraditional infrastructure, for example, broadband.

The pandemic has really highlighted the digital divide that exists across our country, and as Americans relied on the internet to work, to attend school, for telehealth, and a long list of other activities, it has become increasingly apparent that we are far from where we should be when it comes to broadband access in this country.

There is bipartisan support for a bill that addresses our most urgent infrastructure needs without tacking on unrelated partisan priorities. As far as the price tag of the bill, I am not married to a particular number. The last highway bill that became law was roughly \$300 billion, and I think we all agree there is a need to pursue something bigger and bolder. But that needs to be limited to infrastructure.

The final pricetag of that bill should be the result of bipartisan negotiations between Democrats and Republicans, not in numbers handed down from the administration, unilaterally.

There is one point I want to make abundantly clear: A bipartisan infrastructure bill must exist instead of, not in addition to, our Democrat colleagues' unrelated priorities. We can't work in a bipartisan way to pass one bill only to have our Democratic colleagues then attempt to jam through on a partisan basis on reconciliation another long list of their priorities. In other words, we have to choose, and what I suggest we choose is bipartisan infrastructure legislation.

The choice before our Democratic colleagues is whether to work together or attempt to go it alone. You really can't have both.

We also need to be serious about paying for our infrastructure in a sustainable way. We have just spent trillions of dollars on coronavirus, not to mention the long list of priorities included in the most recent partisan bill.

This is not a time to continue the spending spree. Investments in our

roads and bridges are needed, but we need to figure out how they will be paid for. The massive tax hikes that the President has proposed are not a viable option. The burden will be borne by both American employers and workers.

In previous years, the vast majority of infrastructure funding came from the highway trust fund. Every State sends dollars to this fund, which finances infrastructure across the country. But the formula to distribute the funding is out of date and is facing serious deficits.

Making matters worse, Texans are getting short-changed and carrying the weight of these shortfalls, as a so-called donor State. We get 92 cents back on every dollar we send to Washington, DC.

That is not the same treatment for every State. In fact, we receive a lower rate of return than every other State. If we want to have any long-term success in maintaining our roads and bridges, we need to bring this funding formula up to speed as well.

Unfortunately, the administration's proposal fails to do that, and instead of making any repairs to the highway trust fund, it leans on damaging tax hikes to pay for this broad range of unrelated policies.

The President has, indeed, proposed the largest set of tax hikes in more than a half a century. Economics 101 would teach you that tax increases aren't a clear and easy way to boost revenue, especially when your economy is already on fragile footing.

I hope our friends on the other side of the aisle will be willing to work with us to pass a true infrastructure bill, one that will, first and foremost, improve roads, bridges, airports, and other critical projects all across the country.

Notably, we must find a responsible way to pay for this, but tax hikes are not the answer. We have always had this idea in the highway trust fund that user fees—the people that buy gasoline and use the roadways—were the ones to pay for them, not pay for them out of general revenue. And I think we need to continue down this user-fee model, as opposed to deficit spending and adding to our debt.

Again, in closing, let me just say, if our Democratic friends want to act in a bipartisan way, there are people on this side of the aisle, including me, that would be happy to sit down and start talking. But, first of all, our Democratic colleagues must agree to abandon their long wish list of unrelated partisan provisions. They can't work with us on an infrastructure bill and then follow it with a reconciliation bill that includes the kitchen sink.

A bipartisan bill to rebuild our crumbling roads and bridges is possible. We have done it before, and we can do it again.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. SINEMA).

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session and resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Gary Gensler, of Maryland, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2026. (Reappointment)

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 34, Gary Gensler, of Maryland, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2026. (Reappointment)

Charles E. Schumer, Patrick J. Leahy, Richard J. Durbin, Christopher A. Coons, Jeff Merkley, Debbie Stabenow, Richard Blumenthal, Jacky Rosen, Michael F. Bennet, Tammy Duckworth, Amy Klobuchar, Jon Ossoff, Chris Van Hollen, Martin Heinrich, Mark R. Warner, Dianne Feinstein, Gary C. Peters, Kyrsten Sinema.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Gary Gensler, of Maryland, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2026, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from South Carolina (Mr. SCOTT).

The yeas and nays resulted—yeas 54, nays 44, as follows:

(Rollcall Vote No. 156 Ex.)

YEAS—54

Baldwin	Carper	Feinstein
Bennet	Casey	Gillibrand
Blumenthal	Collins	Grassley
Booker	Coons	Hassan
Brown	Cortez Masto	Heinrich
Cantwell	Duckworth	Hickenlooper
Cardin	Durbin	Hirono

Kaine	Murphy	Shaheen
Kelly	Murray	Sinema
King	Ossoff	Smith
Klobuchar	Padilla	Stabenow
Leahy	Peters	Tester
Lujan	Reed	Van Hollen
Lummis	Rosen	Warner
Manchin	Rounds	Warnock
Markey	Sanders	Warren
Menendez	Schatz	Whitehouse
Merkley	Schumer	Wyden

NAYS—44

Barrasso	Graham	Portman
Blackburn	Hagerty	Risch
Blunt	Hawley	Romney
Boozman	Hoeven	Rubio
Braun	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Shelby
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Cramer	Lee	Tillis
Crapo	Marshall	Toomey
Cruz	McConnell	Tuberville
Daines	Moran	Wicker
Ernst	Murkowski	Young
Fischer	Paul	

ANSWERED "PRESENT"—1

Burr

NOT VOTING—1

Scott (SC)

The PRESIDING OFFICER. The yeas are 54, the nays are 44, and one Senator responded "present."

The motion is agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

RECESS

The PRESIDING OFFICER. The Senate stands in recess until 4 p.m.

Thereupon, the Senate, at 2:56 p.m., recessed until 4 p.m. and reassembled when called to order by the Presiding Officer (Mr. BOOKER).

COVID-19 HATE CRIMES ACT—Continued

The PRESIDING OFFICER. The Senator from Minnesota.

REMEMBERING WALTER FREDERICK MONDALE

Ms. KLOBUCHAR. Mr. President, as we await a very important moment for justice in my State today. Our work goes on.

I am here today, first of all, to acknowledge the loss of my mentor, Vice President Walter Mondale. He caught the Nation's attention fighting for justice. So, it is such a moment. He worked on the forefront of the right to counsel in the landmark case Gideon v. Wainwright.

He followed in the footsteps of Hubert Humphrey to arrive in the Senate. He did great things passing civil rights legislation.

As Vice President, he defined the office of the modern-day Vice President.

He was "Fritz" to us. He was our attorney general, our Senator, and our Vice President, and I know he is up there right now rooting for justice.

I am going to speak more about Walter Mondale next week. Senator SMITH,